

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: M. Yavuz Dedigil et al.
Application Number: 10/582,924
Filing Date: 04/30/2007
Group Art Unit: 1712
Examiner: Nicole R. Blan

Title: DISHWASHER COMPRISING A FILTER SYSTEM

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Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a Reply Brief in the above-identified application.

STATUS OF CLAIMS

Claims 16-30 are the basis of the appeal of the pending claims. Claims 1-15 were canceled in the July 13, 2006 Preliminary Amendment. Claims 16 and 27 are independent.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(a) Whether claims 16-22, 24, 26-28 and 30 are unpatentable under 35 U.S.C. § 103(a) over Kim et al. (U.S. Patent Publication No. 2002/0074026) in view of Kemper (U.S. Patent No. 6,413,366).

(b) Whether claim 25 is unpatentable under § 35 U.S.C. 103(a) over Kim et al. in view of Kemper, and further in view of Damron et al. (U.S. Patent No. 6,402,855).

(c) Whether claim 29 is unpatentable under 35 U.S.C. § 103(a) over Kim et al. in view of Kemper, and further in view of Valenzuela et al. (U.S. Patent No. 5,234,112).

REPLY ARGUMENT

The Response to Arguments in the Examiner's Answer states that the Examiner is aware that Kemper is directed to a process used in making paper. However, the Response states that Kemper is reasonably pertinent to a particular problem with which the inventor is concerned, namely removing contaminants from a liquid. The Response states that Kemper teaches a conventional method for removing contaminants from a solution using foam such that the liquid solution is passed through the foam in order to remove contaminants from the liquid, and that the Examiners reliance upon Kemper's filtering method using foam is the epitome of what one of ordinary skill in the art would do in that an ordinary artisan would look to a filtering method in one area and apply it to a filtering method in another area.

Appellants respectfully submit that criteria considered relevant in determining whether prior art is analogous are: (1) whether the art is from the same field of endeavor, regardless of the problem addressed, and (2) if the art is not within the same field of endeavor, whether it is still reasonably pertinent to the particular problem to be solved. *In re Clay*, 966 F.2d 656, 658-59, 23 USPQ2d 1058, 1060 (Fed.Cir.1992); *Wang Labs., Inc. v. Toshiba Corp.*, 993 F.2d 858, 864 (Fed.Cir.1993). Here, Kemper is related to a filter process for separating at least a part of suspended contaminating particles out of a suspension containing fibrous material. The flotation process in Kemper is quite different than the foam dishwashing process used in the present invention. The Kemper process utilizes the differences between fibrous material and

undesired solid particles in such a way that the fibrous material remains in the fiber suspension due to its hydrophilic nature whereas the mentioned material particles are hydrophobic and, therefore, move into the foam along with the air bubbles. As such, the material particles that Kemper relates to are primarily related to ink particles and adhesives, fine plastic particles, and resins (see col. 1, lines 11-36). Accordingly, Kemper would not be considered reasonably pertinent to a dishwashing filter solution, and therefore any such knowledge attributable to a Kemper process being used in a dishwasher is gleaned only from Appellants' own disclosure.

CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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